

Sec. 2. Section 321.189, subsection 7, Code 1993, is amended to read as follows:

7. **CLASS M LICENSE EDUCATION REQUIREMENTS.** A person ~~under the age of eight-~~ applying for a driver's license valid for the operation of a motorcycle shall be required to successfully complete a motorcycle education course either approved and established by the department of education or from a private or commercial driver education school licensed by the department before the class M license will be issued. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction minus moneys received by the school district under subsection 9.

The requirement that an applicant complete a motorcycle education course prior to issuance of a driver's license under this subsection, does not apply to the following:

1. An operator who has been issued a class M license prior to July 1, 1994.
2. An operator who is renewing the operator's class M license issued prior to July 1, 1994.
3. An operator who has been issued a driver's license which is valid for the operation of a motorcycle in another state.

Sec. 3. The department of public health shall cooperate with the department of education to provide materials and information for driver's education courses which promote organ donation with the goal of increasing the number of potential organ donors.

Sec. 4. **CONTINGENT EFFECTIVE DATE.** The provisions of this Act which amend section 321.189, take effect May 1, 1995, or at such time as the department of education provides adequate training vehicles, instructors, curriculum materials, training sites, and program funding for training for all persons who are required to complete the motorcycle education course or for any person who would like to complete the motorcycle education course, whichever is earlier. The department of education shall notify the state department of transportation when the department of education has the resources available to effectively offer the motorcycle education course.

Approved April 25, 1994

CHAPTER 1103

CARE OF ANIMALS

H.F. 637

AN ACT relating to the care of animals including livestock, by prohibiting the neglect of animals, providing for the rescue, maintenance, and disposition of neglected animals, providing penalties, and providing for the repeal of sections and effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 162.13, unnumbered paragraph 2, Code 1993, is amended to read as follows:

~~Failure~~ The failure of any pound, research facility, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder, public auction, or dealer, to adequately house, feed, or water dogs, cats, or vertebrate animals in the person's or facility's possession or custody is a simple misdemeanor. The animals are subject to seizure and impoundment and may be sold or destroyed as provided by rules which shall be adopted by the department pursuant to chapter 17A. The rules shall provide for the destruction of an animal by a humane method, including by euthanasia at the discretion of the secretary and the. The failure to meet the requirements of this section is also grounds ~~cause~~ for revocation or suspension of license or registration after public hearing. The commission of an act declared to be an unlawful practice under section 714.16 or prohibited under chapter 717 or 717B, by a person or facility licensed

or registered under this chapter is grounds cause for revocation or suspension of the license or registration certificate. Dogs, cats, and other vertebrates upon which euthanasia is permitted by law may be destroyed by persons or facilities a person subject to this chapter or chapter 169, and only by a humane method, including euthanasia, as provided by rules which shall be adopted by the department pursuant to chapter 17A.

Sec. 2. NEW SECTION. 331.308 NEGLECTED ANIMALS.

A county may rescue, provide maintenance, or dispose of neglected livestock or another animal, as provided in chapters 717 and 717B.

Sec. 3. Section 331.653, subsection 21, Code 1993, is amended by striking the subsection.

Sec. 4. NEW SECTION. 364.22A NEGLECTED ANIMALS.

A city may rescue, provide maintenance, or dispose of neglected livestock or another animal, as provided in chapters 717 and 717B.

Sec. 5. Section 602.6405, subsection 1, Code 1993, is amended to read as follows:

1. Magistrates have jurisdiction of simple misdemeanors, including traffic and ordinance violations, and preliminary hearings, search warrant proceedings, county and municipal infractions, and small claims. Magistrates have jurisdiction to determine the disposition of livestock or another animal, as provided in sections 717.5 and 717B.4, if the magistrate determines the value of the livestock or animal is less than ten thousand dollars. Magistrates have jurisdiction to exercise the powers specified in sections 644.2 and 644.12, and to hear complaints or preliminary informations, issue warrants, order arrests, make commitments, and take bail. Magistrates have jurisdiction over violations of section 123.49, subsection 2, paragraph "h". Magistrates who are admitted to the practice of law in this state have jurisdiction over all proceedings for the involuntary commitment, treatment, or hospitalization of individuals under chapters 125 and 229, except as otherwise provided under section 229.6A; nonlawyer magistrates have jurisdiction over emergency detention and hospitalization proceedings under sections 125.91 and 229.22. Magistrates have jurisdiction to conduct hearings authorized under section 809.4 and section 809.10, subsection 2.

Sec. 6. Section 670.4, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 13. A claim based on an act or omission by a county or city pursuant to section 717.2A or chapter 717B relating to either of the following:

- a. Rescuing neglected livestock or another animal by a law enforcement officer.
- b. Maintaining or disposing of neglected livestock or another animal by a county or city.

Sec. 7. Section 717.1, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

717.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Law enforcement officer" means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.
2. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species or poultry.
3. "Livestock care provider" means a person designated by a local authority to provide care to livestock which is rescued by the local authority pursuant to section 717.2A.
4. "Local authority" means a city as defined in section 362.2 or a county as provided in chapter 331.
5. "Maintenance" means to provide on-site or off-site care to neglected livestock.
6. "Sustenance" means food, water, or a nutritional formulation customarily used in the production of livestock.

Sec. 8. NEW SECTION. 717.1A LIVESTOCK ABUSE.

A person is guilty of livestock abuse, if the person intentionally injures or destroys livestock owned by another person, in any manner, including, but not limited to, intentionally doing any of the following: administering drugs or poisons to the livestock, or disabling the livestock, by using a firearm or trap. A person guilty of livestock abuse commits an aggravated misdemeanor. This section shall not apply to any of the following:

1. A person acting with the consent of the person owning the livestock, unless the action constitutes livestock neglect as provided in section 717.2.
2. A person acting to carry out an order issued by a court.
3. A licensed veterinarian practicing veterinary medicine as provided in chapter 169.
4. A person acting in order to carry out another provision of law which allows the conduct.
5. A person reasonably acting to protect the person's property from damage caused by stray livestock.
6. A person reasonably acting to protect a person from injury or death caused by stray livestock.
7. An institution, as defined in section 145B.1, or a research facility, as defined in section 162.2, provided that the institution or research facility performs functions within the scope of accepted practices and disciplines associated with the institution or research facility.

Sec. 9. Section 717.2, Code 1993, is amended to read as follows:

717.2 CRUELTY TO ANIMALS LIVESTOCK NEGLECT.

1. A person who impounds or confines livestock, in any place, a domestic animal or fowl, or an animal or fowl subject to section 481A.60, or dog or cat, and fails to supply the animal during confinement with a sufficient quantity of food, and water, or who fails does any of the following commits the offense of livestock neglect:

- a. Fails to provide a dog or cat livestock with adequate shelter, or who tortures, torments, deprives care consistent with customary animal husbandry practices.
- b. Deprives livestock of necessary sustenance, mutilates, overdrives, overloads, drives when overloaded, beats,
- c. Injures or kills an animal destroys livestock by any means which cause unjustified causes pain, distress, or suffering; whether intentionally or negligently, commits the offense of cruelty to animals in a manner inconsistent with customary animal husbandry practices.

2. A person who commits the offense of cruelty to animals livestock neglect is guilty of a simple misdemeanor. A person who intentionally commits the offense of cruelty to animals livestock neglect which results in serious injury to or the death of an animal livestock is guilty of a serious misdemeanor. However, a person shall not be guilty of more than one offense of livestock neglect punishable as a serious misdemeanor, when care or sustenance is not provided to multiple head of livestock during any period of uninterrupted neglect.

3. This section does not apply to an institution, as defined in section 145B.1, or a research facility, as defined in section 162.2, provided that the institution or research facility performs functions within the scope of accepted practices and disciplines associated with the institution or research facility.

Sec. 10. NEW SECTION. 717.2A RESCUE OF NEGLECTED LIVESTOCK.

1. a. A law enforcement officer may rescue livestock neglected as provided in section 717.2 on public or private property, as provided in this subsection.

b. The officer may enter onto property of a person to rescue neglected livestock if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.

c. Livestock neglected as provided in section 717.2 may be rescued pursuant to the following conditions:

(1) If a criminal proceeding has not been commenced against the person owning or caring for the livestock, the following shall apply:

(a) The local authority shall receive a written statement from a veterinarian licensed pursuant to chapter 169, providing that, in the veterinarian's opinion, the livestock is neglected.

(b) The local authority shall provide written notice to the person owning or caring for the livestock by delivery at the last known address of the person. The local authority shall deliver the notice by certified mail or make a good faith effort to personally deliver the notice to the person owning or caring for the livestock. The notice shall include all of the following:

(i) The name and address of the local authority.

(ii) A description of the livestock subject to rescue.

(iii) A statement informing the person that the livestock may be rescued pursuant to this chapter within one day following receipt of the notice by the person. The statement must specify a date, time, and a location for delivery of the response designated by the local authority, as provided in this subsection.

(iv) A statement informing the person that in order to avoid rescue of the livestock, the person must respond to the notice in writing signed by a veterinarian licensed pursuant to chapter 169. The veterinarian must state that, in the opinion of the veterinarian, the livestock is not neglected, or the person is taking immediate measures required to rehabilitate the livestock.

(c) A law enforcement officer may rescue the livestock, if the local authority fails to receive a written response by the person owning or caring for the livestock by the end of normal office hours of the next day that the local authority is available to receive the response at the offices of the local authority. However, if the local authority is not available to receive a response at its offices, the local authority may designate another location in the county to receive the response.

(2) If a criminal proceeding has been commenced against the person owning or caring for the livestock, the local authority must receive a written statement from a veterinarian licensed pursuant to chapter 169, providing that, in the veterinarian's opinion, the livestock is neglected.

(3) Regardless of whether a criminal proceeding has commenced, the local authority may immediately rescue livestock without providing notice as otherwise required in this section. However, the local authority must receive a written statement from a veterinarian licensed pursuant to chapter 169, providing that in the veterinarian's opinion, the livestock is neglected. In order to rescue the livestock, the local authority must determine that the livestock has been abandoned or that no person is able or willing to care for the livestock, and the livestock is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.

2. If livestock is rescued pursuant to this section, the local authority shall post a notice in a conspicuous place at the location where the livestock was rescued. The notice shall state that the livestock has been rescued by the local authority pursuant to this section. The local authority shall provide for the maintenance of the neglected livestock. The local authority may contract with a livestock care provider for the maintenance of the neglected livestock. The local authority shall pay the livestock care provider for the livestock's maintenance regardless of proceeds received from the sale of the livestock or any reimbursement ordered by a court, pursuant to section 717.5.

3. The livestock shall be subject to disposition pursuant to section 717.5.

Sec. 11. Section 717.5, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

717.5 DISPOSITION OF NEGLECTED LIVESTOCK.

1. A court shall order the disposition of livestock neglected as provided in section 717.2 after a hearing upon application or petition to the court by a local authority or a person owning or caring for the livestock. The matter shall be heard within ten days from the filing of a petition by the local authority or the person. The court may continue the hearing for up to forty days upon petition by the person. However, the person shall post a bond or other security with the local authority in an amount determined by the court, which shall not be more than the amount sufficient to provide for the maintenance of the livestock for forty days. The court

may grant a subsequent continuance by the person for the same length of time if the person submits a new bond or security. However, the court shall order the immediate disposition of the livestock if the livestock is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.

2. The hearing to determine if livestock has been neglected for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of section 717.2.

3. A court may order a person owning the neglected livestock to pay an amount which shall not be more than the expenses incurred in maintaining the neglected livestock rescued pursuant to section 717.2A, and reasonable attorney fees and expenses related to the investigation of the case. The remaining amount of a bond or other security posted pursuant to this section shall be used to reimburse the local authority. If more than one person has a divisible interest in the livestock, the amount required to be paid shall be prorated based on the percentage of interest in the livestock owned by each person. The moneys shall be paid to the local authority incurring the expense. The amount shall be subtracted from proceeds owed to the owner or owners of the livestock, which are received from the sale of the livestock ordered by the court. Moneys owed to the local authority from the sale of neglected livestock shall be paid to the local authority before satisfying indebtedness secured by any security interest in or lien on the livestock. If an owner of the livestock is a landowner, the local authority may submit an amount to the clerk of the county board of supervisors who shall report the amount to the county treasurer. The amount shall equal the balance remaining after the sale of the livestock. If the livestock owner owns a percentage of the livestock, the reported amount shall equal the remaining balance owed by all landowners who own a percentage of the livestock. That amount shall be prorated among the landowners based on the percentage of interest in the livestock attributable to each landowner. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.

4. Neglected livestock ordered to be destroyed shall be destroyed only by a humane method, including euthanasia as defined in section 162.2.

Sec. 12. NEW SECTION. 717B.1 ANIMAL DEFINED.

As used in this chapter:

1. "Animal" means a nonhuman vertebrate. However, "animal" does not include any of the following:

a. Livestock, as defined in section 717.1.

b. Any game, fur-bearing animal, fish, reptile, or amphibian, as defined in section 481A.1, unless a person owns, confines, or controls the game, fur-bearing animal, fish, reptile, or amphibian.

c. Any nongame species declared to be a nuisance pursuant to section 481A.42.

2. "Animal care provider" means a person designated by a local authority to provide care to an animal which is rescued by the local authority pursuant to section 717B.5.

3. "Law enforcement officer" means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and dedication of crime and the enforcement of the criminal laws of this state.

4. "Maintenance" means to provide on-site or off-site care to neglected animals.

5. "Local authority" means a city as defined in section 362.2 or a county as provided in chapter 331.

Sec. 13. NEW SECTION. 717B.2 ANIMAL ABUSE.

A person is guilty of animal abuse if the person intentionally injures, maims, disfigures, or destroys an animal owned by another person, in any manner, including intentionally poisoning the animal. A person guilty of animal abuse is guilty of an aggravated misdemeanor. This section shall not apply to any of the following:

1. A person acting with the consent of the person owning the animal, unless the action constitutes animal neglect as provided in section 717B.3.
2. A person acting to carry out an order issued by a court.
3. A licensed veterinarian practicing veterinary medicine as provided in chapter 169.
4. A person acting in order to carry out another provision of law which allows the conduct.
5. A person taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.
6. A person acting to protect the person's property from a wild animal as defined in section 481A.1.
7. A person acting to protect a person from injury or death caused by a wild animal as defined in section 481A.1.
8. A person reasonably acting to protect the person's property from damage caused by an unconfined animal.
9. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.
10. A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.
11. An institution, as defined in section 145B.1, or a research facility, as defined in section 162.2, provided that the institution or research facility performs functions within the scope of accepted practices and disciplines associated with the institution or research facility.

Sec. 14. NEW SECTION. 717B.3 ANIMAL NEGLECT.

1. A person who impounds or confines, in any place, an animal is guilty of animal neglect, if the person does any of the following: fails to supply the animal during confinement with a sufficient quantity of food or water; fails to provide a confined dog or cat with adequate shelter; or tortures, deprives of necessary sustenance, mutilates, beats, or kills an animal by any means which causes unjustified pain, distress, or suffering.
2. This section does not apply to an institution, as defined in section 145B.1, or a research facility, as defined in section 162.2, provided that the institution or research facility performs functions within the scope of accepted practices and disciplines associated with the institution or research facility.
3. A person who negligently or intentionally commits the offense of animal neglect is guilty of a simple misdemeanor. A person who intentionally commits the offense of animal abuse* which results in serious injury to or the death of an animal is guilty of a serious misdemeanor.

Sec. 15. NEW SECTION. 717B.4 DISPOSITION OF NEGLECTED ANIMALS.

1. A court shall order the disposition of an animal neglected as provided in section 717B.3 after a hearing upon application or petition to the court by a local authority or the person owning or caring for the animal. The matter shall be heard within ten days from the filing of the petition. The court may continue the hearing for up to forty days upon petition by the person. However, the person shall post a bond or other security with the local authority in an amount determined by the court, which shall not be more than the amount sufficient to provide maintenance of the animal for forty days. The court may grant a subsequent continuance by the person for the same length of time if the person submits a new bond or security. However, the court shall order the immediate disposition of the animal if the animal is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.
2. The hearing to determine if the animal has been neglected for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of section 717B.3.
3. A court may order a person owning the neglected animal to pay an amount which shall not be more than the expenses incurred in maintaining the neglected animal rescued pursuant

*Term "neglect" probably intended.

to section 717B.5, and reasonable attorney fees and expenses related to the investigation of the case. The remaining amount of a bond or other security posted pursuant to this chapter shall be used to reimburse the local authority. If more than one person has a divisible interest in the animal, the amount required to be paid shall be prorated based on the percentage of interest in the animal owned by each person. The moneys shall be paid to the local authority incurring the expense. The amount shall be subtracted from proceeds owed to the owner or owners of the animal, which are received from the sale of the animal ordered by the court. Moneys owed to the local authority from the sale of a neglected animal shall be paid to the local authority before satisfying indebtedness secured by any security interest in or lien on the animal. If an owner of the animal is a landowner, the local authority may submit an amount to the clerk of the county board of supervisors who shall report the amount to the county treasurer. The amount shall equal the balance remaining after the sale of the animal. If the animal owner owns a percentage of the animal, the reported amount shall equal the remaining balance owed by all landowners who own a percentage of the animal. That amount shall be prorated among the landowners based on the percentage of interest in the animal attributable to each landowner. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.

4. Neglected animals ordered to be destroyed shall be destroyed only by a humane method, including euthanasia as defined in section 162.2.

Sec. 16. NEW SECTION. 717B.5 RESCUE OF NEGLECTED ANIMALS.

1. A law enforcement officer, after consulting with a veterinarian licensed pursuant to chapter 169, may rescue an animal neglected as provided in section 717B.3 on public or private property, as provided in this subsection. The officer may enter onto property of a person to rescue a neglected animal, if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.

2. If an animal is rescued pursuant to this section, the local authority shall provide for the maintenance of the neglected animal. The local authority may contract with an animal care provider for the maintenance of the neglected animal. The local authority shall post a notice in a conspicuous place at the location where the animal was rescued. The notice shall state that the animal has been rescued by the local authority pursuant to this section. The local authority shall pay the animal care provider for the animal's maintenance regardless of proceeds received from the sale of the animal or any reimbursement ordered by a court, pursuant to section 717B.4.

3. The animal shall be subject to disposition as required by a court, pursuant to section 717B.4.

Sec. 17. NEW SECTION. 717B.5A DISABLED ANIMALS DESTROYED.

A person may humanely destroy a wild animal as defined in section 481A.1, if the wild animal is permanently distressed by injury or disease to a degree that results in severe and prolonged suffering. The destroyed animal shall be subject to disposition as provided by rules adopted by the natural resource commission pursuant to chapter 17A.

Sec. 18. NEW SECTION. 717B.6 EXHIBITIONS AND FIGHTS.

A person shall not arrange, promote, or stage an exhibition at which an animal is tormented, or in which there is a fight between animals or between a person and an animal. A person shall not maintain an establishment where such an exhibition is conducted. A person violating this section is guilty of a serious misdemeanor.

Sec. 19. NEW SECTION. 717B.7 ABANDONMENT OF CATS AND DOGS — PENALTIES.

A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership

and custody or the person may deliver the cat or dog to an animal shelter or pound as defined in section 162.2. A person who violates this section is guilty of a simple misdemeanor.

Sec. 20. NEW SECTION. 717B.8 INJURY OR INTERFERENCE WITH A POLICE SERVICE DOG.

1. A person who knowingly, and willfully or maliciously torments, strikes, administers a nonpoisonous desensitizing substance to, or otherwise interferes with a police service dog, without inflicting serious injury on the dog, commits a simple misdemeanor.

2. A person who knowingly, and willfully or maliciously tortures, injures so as to disfigure or disable, kills, or administers poison to a police service dog, commits a serious misdemeanor.

3. As used in this section, "police service dog" means a dog used by a peace officer in the performance of the officer's duties, whether or not the dog is on duty.

4. This section does not apply to a peace officer or veterinarian who terminates the life of such a dog for the purpose of relieving the dog of undue pain or suffering, or to a person who justifiably acts in defense of self or another.

Sec. 21. RULES REQUIRED – DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. The department of agriculture and land stewardship shall adopt rules as provided in section 162.13 as amended by this Act not later than August 30, 1994. The department shall not use the procedures set out in section 17A.4, subsection 2, or section 17A.5, subsection 2, paragraph "b" to meet this deadline.

Sec. 22. EFFECTIVE DATE. Sections 1, 21, and this section of this Act, being deemed of immediate importance, take effect upon enactment.

Sec. 23. REPEALS. Sections 169B.49, 717.3, 717.4, and 717.6, Code 1993, are repealed.

Approved April 25, 1994

CHAPTER 1104

NATURAL RESOURCES MOTOR VEHICLE REGISTRATION PLATES

H.F. 2099

AN ACT providing for special natural resources motor vehicle registration plates and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.34, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 17. NATURAL RESOURCES PLATES.

a. Upon application and payment of the proper fees, the director may issue natural resources plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, light delivery truck, panel delivery truck, pickup, motor home, multipurpose vehicle, or travel trailer.

b. Natural resources plates shall be designed by the department in cooperation with the department of natural resources which design shall include on the plate the name of the county where the vehicle is registered.

c. The special natural resources fee for letter number designated natural resources plates is thirty-five dollars. The fee for personalized natural resources plates is forty-five dollars which shall be paid in addition to the special natural resources fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state